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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,445	03/17/2004	Roman F. Striebel	6623-119	3528
26486	7590	04/21/2006	EXAMINER	
PERKINS, SMITH & COHEN LLP ONE BEACON STREET 30TH FLOOR BOSTON, MA 02108			LANGDON, EVAN H	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/802,445

Applicant(s)

STRIEBEL ET AL.

Examiner

Evan H. Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 March 2006 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 8-9 and 23-32 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The application as originally filed does not disclose the crimping of the wire so as to provided a tight fit between the wedge-shaped member and the wires the tight fit remaining intact even upon loosening of the cylindrical member from the collar. Crimping involves a permanent, deformation of the wedge-shaped member.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

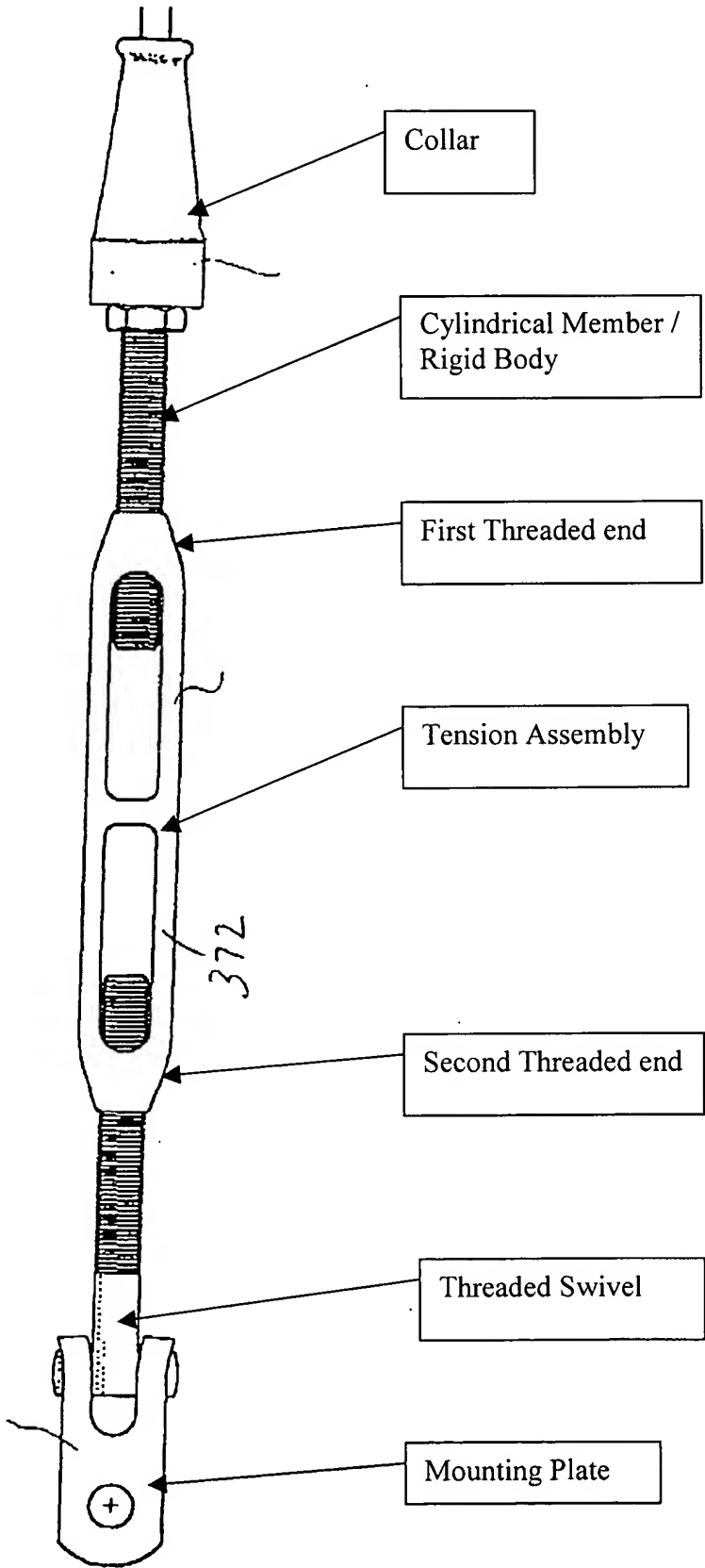
Claims 1-6 and 8-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sjostedt (US 2003/0010966 A1) in view of Mastalski et al. (US 4,066,368).

In regards to claims 1-6, 8 and 9, Sjostedt discloses a wire attachment assembly, comprising:

a collar 374 including a center aperture dimensioned to receive a portion of a wire, a threaded portion, and a tapered internal recess (see Figure 23, below);

a cylindrical member including a threaded end engaging the threaded portion of the collar; and

a tapered wedge-shaped unitary member disposed between the collar and cylindrical member.



Mastalski teaches a tapered wedge-shaped unitary member 76 disposed between a collar 54 and a cylindrical 60 member (Figure 8) including a center aperture dimensioned to receive the portion of the wire 12 and a groove or slot (Fig. 7) extending along the length of the wedge-shaped member such that when the cylindrical member and collar are screwed together the tapered internal recess of the collar compresses the tapered wedge-shaped member about the portion of the wire to provide a tight fit between the wedge-shaped member and the wires the tight fit remaining intact even upon loosening of the cylindrical member from the collar. A loosening of the collar 54 would not alter the tight fit between the tapered wedge and the wire 12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wire attachment assembly of Sjostedt to include a unitary tapered wedge assemble have as suggested by Mastalski, to create a tight fit between the wedge-shaped member and the wire.

In regards to claims 10- 14, Sjostedt as modified by Mastalski teaches a wire attachment and tensioning device, comprising:

- a rigid body having a threaded end (see above);
- means (collar) for attaching a portion of a wire to the rigid body in a fixed connection;
- and
- a tensioning assembly being an independent component from the attaching means and the rigid body, the tensioning assembly being fully rotatably attached to a support surface; and
- the tensioning assembly including a threaded end to receive the threaded end of the rigid body such that rotating the tensioning assembly adjusts the distance of the portion of the wire

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attaching means from the support surface while maintaining the fixed connection between the rigid body and the wire unaffected by rotation of the tensioning assembly.

In regards to claims 15-22, Sjostedt as modified by Mastalski teaches the tensioning assembly further comprises:

- a cylindrical member including a feature allowing rotation of the member with a tool and a first threaded end and a second threaded end, the first end being the threaded end receiving the threaded end of the rigid body;

- a threaded swivel engaging the cylindrical member;

- a mounting plate including a center aperture through which the threaded swivel and cylindrical member are engaged, and an internal recess for rotatably receiving the threaded swivel; and

- means for fastening the plate to the support surface.

In regards to claims 23- 32, Sjostedt as modified by Mastalski teaches a tapered wedge-shaped unitary member 76 disposed between a collar 54 and a cylindrical 60 member (Figure 8, Mastalski) including a center aperture dimensioned to receive the portion of the wire 12 and a groove or slot (Fig. 7, Mastalski) extending along the length of the wedge-shaped member such that when the cylindrical member and collar are screwed together the tapered internal recess of the collar compresses the tapered wedge-shaped member about the portion of the wire to provide a tight fit between the wedge-shaped member and the wires the tight fit remaining intact even upon loosening of the cylindrical member from the collar. A loosening of the collar 54 would not alter the tight fit between the tapered wedge and the wire 12.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ehl

  
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